



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

#5

HM22/0119

ARLEEN PALMBERG  
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LILLY CORPORATE CENTER  
PATENT DIVISION DC: 1104  
INDIANAPOLIS IN 46285

| APPLICATION NO.       | FILING DATE  | TOTAL CLAIMS              | EXAMINER AND GROUP ART UNIT | DATE MAILED   |
|-----------------------|--------------|---------------------------|-----------------------------|---------------|
| 09/122,294            | 07/24/98     | 001                       | TRUONG, T                   | 1611 01/19/99 |
| First Named Applicant | CHAKRABARTI, | 35 USC 154(b) term ext. = | 0 Days.                     |               |

TITLE OF INVENTION PROCESS FOR PREPARING 2-METHYL-THIENO-BENZODIAZEPINE

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO.   | APPLN. TYPE | SMALL ENTITY | FEE DUE   | DATE DUE |
|-------------------|----------------|-------------|-------------|--------------|-----------|----------|
| 1                 | G-1265H        | 514-220.000 | N89 UTILITY | NO           | \$1210.00 | 04/19/99 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

**I. Review the SMALL ENTITY status shown above.**

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

**II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.**

**III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.**

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

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Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|
| 09/122,294         | 07/24/98    | CHAKRABARTI           | J G-1265H           |

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INDIANAPOLIS IN 46285

EXAMINER

TRUONG, T

ART UNIT PAPER NUMBER

1611

DATE MAILED:

01/15/99  
C. Styles

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- ☒ This communication is responsive to PRELIM. AMENDMENT ON 7-24-98
- ☒ The allowed claim(s) is/are 3, i.e. claim 3 only
- ☐ The drawings filed on \_\_\_\_\_ are acceptable.
- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☒ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- ☐ Applicant MUST submit NEW FORMAL DRAWINGS
- ☐ because the originally filed drawings were declared by applicant to be informal.
- ☐ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_
- ☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.
- ☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

- ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Interview Summary, PTO-413
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☒ Examiner's Statement of Reasons for Allowance

JOHN M. FORD  
PRIMARY EXAMINER  
GROUP 125 ART UNIT 1611

Art Unit: 1611

***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the specification, first page, line 14, insert

B /  
--This application is also a divisional application of 08/748,292, filed on  
November 13, 1996, now U.S. Patent number 5,817,655.--

Note, the oath/declaration is also **deficient** for failing to disclose the information of the divisional application above. A substitute oath or declaration is required.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Arleen Palmberg on 1-12-99.

***Allowable Subject Matter***

Claim 3 is allowed.

The following is an examiner's statement of reasons for allowance:

The invention directs to the process of preparing  
2-methyl-4-(4-methyl-1-piperazinyl)-10H-thieno[2,3-b][1,5]-  
benzodiazepine (or commercially known as onlanzapine). The  
closest reference, Chakrabarti et. al. (EP 454,436), discloses


Art Unit: 1611


the process of obtaining said compound. However, the publication date of EP'436 is 10-31-91 which does not antedate the priority date of the instant application which can go back to 4-23-91. Therefore, the teaching in EP'436 is not a competent prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Tamthom (or Tam) Truong whose telephone number is (703) 305 - 4485. The examiner can normally be reached on Monday thru Friday from 9:00 am to 5:30 pm EST.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 - 1235 or 305 - 3290.

  
T. Truong / 1-12-99

  
JOHN M. FORD  
PRIMARY EXAMINER  
GROUP ~~120~~ - ART UNIT 1611